

ROYAL ATTIRE  
לְבוּשׁ מַלְכוּת  
*LEVUSH MALKHUTH*



AUTHORED BY  
*Hakham Mordecai ben Nisan*  
(18th Century CE; Kukizów, Galicia)

VOCALIZED, TRANSLATED AND ANNOTATED BY  
Gabriel Wasserman

Karaite Sources Supplemented by Tomer Mangoubi

THE KARAITE PRESS



according to the time zone of wherever one resides. The reason for this is simple. As explained above (endnote *iii*), the practice of sanctifying the month according to the moon predates the giving of the Torah at Sinai and the entry of the Israelites into the land of Israel. Thus, according to the classical Karaite sages, the calendar does not give special relevance to Jerusalem or the land of Israel with regards to setting the month.

*vii.* Cf. Ḥakham Judah Hadassi (twelfth century, Constantinople), *Eshkol Ha-kofer*, Eupatoria Crimea, 1836 Edition, folio 96b, alphabet §188, letters daleth and hé:

אבל הרחוקי[ם] מראיית עדות בשולו מארץ קדושתו דינם לחקור  
ולשאול לבאים שם, אולי ישמעו ויתבררו מן שוכניה ראייה בעדותו.  
[...] וע"כ אין אנחנו יודעים אי זו שנה י"ב חדש ואי זו י"ג לערכה אלא  
מעיון העד, ושמע ארץ הקדושה בגלותנו זו אשר בחטאתינו ובעונות  
אבותינו עלינו ארכה.

But those who are far from eyewitness testimony about the ripening [of the *aviv*] in its Holy Land – the law is that they must examine and interrogate the people who travel there [to the Holy Land and back], for perhaps they have heard and clarified from its inhabitants [about] eyewitness testimony. [...] Therefore, we know which years are of twelve months and which number thirteen only from investigating the witness, who has heard from the Holy Land, [and can tell us] in our exile, which has lasted so long due to our sins and the iniquities of our ancestors.

Cf. also Ḥakham Israel Ha-ma'aravi (Egypt, 1313), cited in Sh. Asaf and L.E. Meyer, *Sefer Ha-yishuv*, volume 2, Jerusalem, 1944, p. 107:

הודו משכילי רוב ישראל כי טוב ללכת על דרך חשבון עבוד של מחזור,  
כי דרך קרוב הוא על האביב הנמצא בארץ ישראל. אבל ישראל  
הקראים בעלי מקרא היושבים קרוב לארץ ישראל, הקהל של מצרים

ושל אסכננדיאה, הוא נא אמון, והקהל של דמשק ושל חלף, שהם ארם צובא וארם נהרים, אלו הקהלות בכל שנה ושנה שולחים שליחים אנשים נאמנים לארץ ישראל, ומבקשים ודורשים וחוקרים ומחפשים אותו בכל המקומות הידועים בקבלה כי יש שם ימצא קודם מכל המקומות. ואם ימצא אחד כי נתבשל לוקחים כמו שני עמרים מן שבלי השעורים ומביאים להם עדות האביב ומראים להם האביב ועושים פסח, ועד עשרה בניסן מגיעים אלו השלוחים לכל אלו הקהלות.

The scholars of the majority of the Jewish people are in consensus that it is good to follow a calculation for the intercalation of the calendar, for this is close to the *aviv* that is found in the Land of Israel. However, the Karaite Jews, who follow Scripture, who live close to the Land of Israel – the community in Egypt, and in Alexandria [known also as] No-Amon, and the community in Damascus and in Aleppo [known also as] Aram-Zova and Aram-Naharayim – these communities send emissaries, reliable men, each year, to the Land of Israel, and they ask and seek and search and investigate each of the places where they know from tradition that [the *aviv*] is [typically] found there before [it appears in] other places. If one of them finds that it has ripened, they take two sheaves from the stalks of barley, and they bring them as evidence of the *aviv*; they show the *aviv* to [their communities], and establish Pesah [in the appropriate month]. These emissaries come to all these communities by the tenth of Nisan.

viii. This is an adaptation of Babylonian Talmud, Sanhedrin 11a:

תנו רבנן: אין מעברין את השנה אלא אם כן היתה צריכה מפני הדרכים ומפני הגשדים ומפני תנודי פסחים ומפני גליות ישראל שנעקרו ממקומן ועדיין לא הגיעו אבל לא מפני השלג ולא מפני הצינה ולא מפני גליות ישראל שלא עקרו ממקומן.

תנו רבנן: אין מעברין את השנה לא מפני הגדיים ולא מפני הטלאים ולא מפני הגוזלות שלא פירחו אבל עושין אותן סעד לשנה כיצד רבי ינאי אומר משום רבן שמעון בן גמליאל מהודעין אנחנו לכוון דגזוליא רכיבין

ואימריא דעדקין <צריך לומר: דעדקין, וכן הוא בכל כתבי היד > וזימנא  
דאביבא לא מטא ושפרת מילתא באנפאי ואוסיפית על שתא דא תלתין  
יומין.

Our sages taught: We may not declare a leap year unless it is necessary for the roads; or for the bridges; or for the ovens for the Pesah sacrifice; or for the exiles of Israel who have been displaced from their homes and not arrived yet. But not on account of the snow, or the cold, or the exiles of Israel who have not been displaced from their homes.

Our sages taught: We may not declare a leap year on account of the kids, or the lambs, or the baby birds that have not yet flown; but we may use those as auxiliary reason to make a [leap] year [if we already have a legitimate reason]. How so? Ribbi Yannai said in the name of Rabban Simeon ben Gamliel: “We inform you that the baby birds are still young, and the sheep are still small, and the time of spring has not yet come.” And this is correct in my opinion, and I have added thirty days to this year.

Rashi (French commentator on the Bible and Talmud, 1040–1105) explains that the words, “auxiliary reason to make a [leap] year,” mean that we may not use these causes on their own as a reason to make a leap year, but they may be used in conjunction with any of the main three causes, mentioned on Sanhedrin 11b, the next page: The *aviv*, the (new spring) fruits of trees, and the equinox. If any two out of the main three are relevant – that is, if the *aviv*, the new fruit, or the equinox have not yet arrived – then a leap year may be declared; but if only one out of the main three is relevant, then the kids, lambs, or baby birds may be used as the second cause, and the leap year may be declared.

*ix.* Talmudic Rabbanite law requires Jews to destroy all their leavened matter before Pesah. Any leaven that they sell before the designated time does not belong to them any longer, so they

are not obligated to destroy it; for this is a permanent sale, and the Jew will never again possess this leaven.

In a case where it is impossible for the Jew to destroy their leaven, for the Jew is on a ship in the middle of the sea, the Tosefta (a Talmudic-era rabbinic source) allows a Jew to sell or gift their leaven to a non-Jewish co-traveler, and then, if the non-Jew is willing to sell it back after Pesah, the Jew may buy it back. This is an extreme situation, where the Jew may have nothing else to eat if they cannot buy back their leaven, and yet even here, the Jew must sell or gift the leaven as a true, complete sale, and it is up to the non-Jew to sell it back, if they so choose.

Tosefta Pesahim 1:24 (ed. Zuckerman):

ישראל וגוי שהיו באין בספינה והיה חמץ ביד ישראל הרי זה מוכרו לנכרי ונותנו במתנה וחוזר ולוקח הימנו אחר הפסח ובלבד שיתנו לו במתנה גמורה.

If a Jew and a non-Jew were together in a ship, and the Jew had leaven in their possession, they may sell it or gift it to the non-Jew, and then get it back after Pesah, as long as they gave it as a true gift.

In the late Middle Ages, we see in the halakhic work *Terumath Ha-deshen* of R. Israel Isserlein (1390–1460) that he permits selling or gifting leaven even if there is no expectation that the non-Jew wants it at all, and the non-Jew will not consume any of it, but will give it back to the Jew:

שאלה: מי שיש בידו ענייני חמץ סמוך לפסח, וקשה עליו לבערם ורוצה לתתם לנכרי חוץ לבית במתנה גמורה. ואותו נכרי הישראל מכירו ויודע בו שלא יגע בהן כלל, אלא ישמרם לו עד לאחר הפסח ויחזור ויתנה לו. שרי כהאי גוונא או לאו? תשובה: יראה דשרי, רק שיתנם לו במתנה גמורה בלי שום תנאי, או שימכרם לו מכירה גמורה בדבר מועט.

A question: If one has leavened matter in one's house shortly before Pesah, and is displeased with the idea of destroying it, but wants to give it to a non-Jew out of the house as a true gift.

But the Jew knows the non-Jew, and knows that he will not touch [the leavened matter] at all, but will keep it for [the Jew] until after Pesah, and give it back to him – is this permitted, or not? Answer: It seems that it is permitted, as long as one gives it as a complete gift, without any conditions attached, or one sells it as a complete sale for a small amount [of money] (*Terumath Ha-deshen* §120).

Later still, this activity became a routine practice for many Rabbanite Jews before Pesah. This was because many Jews owned stores of liquor made from fermented grain, and they would lose their whole livelihood if they would destroy it all. Today, it is standard for rabbis of Rabbanite communities to fill out forms enabling the sale of all their congregants' leaven to a non-Jew for a week, even though it is understood that the non-Jew will not eat any of it and will return the sale at the end of the week.

Nonetheless, this practice is hardly universal; many punctilious Rabbanites refrain from it completely, and indeed destroy their leaven. Famously, R. Elijah, the Gaon of Vilna (1720–1797), opposed such sale of leaven. (See Elijah of Vilna, *Be'ur Ha-Gra* [Commentary on *Shulḥan 'Arukh*], *Orah Ḥayyim* §448, comment 10; Issachar Baer, *Ma'asé Rav*, §180.)

x. The author of *Levush Malkhuth* is claiming that Abraham ibn 'Ezra accepts the Karaite understanding of the expression “*ben ha'arbayim*.” This is only partly true. In fact, though ibn 'Ezra admits that the expression “*ben ha'arbayim*” can allow either meaning, he says that, because “those that transmit the law” (the Rabbanite sages) explain it as meaning the time between noon and sunset, this must be the meaning that it has in the relevant passages in the Torah.

Abraham ibn 'Ezra, *Short Commentary on Exodus*, 12:6 (printed in *Torath Ḥayyim*, Jerusalem: Mossad Harav Kook, 1993, Exodus, vol. 1, pp. 126 f.):

ודע, כי 'בין הערבים' הוא על שני דרכים: האחד - מעת שתחשך השמש עד עת סוד האור הנראה בעבים, וזאת העת - שעה ושליש שעה [ ... ] והדרך השני - להיות פירוש 'בין הערבים' בפסח - מעת שתבוא השמש אל תחלת פאת מערב. ומעתיקי התורה אמרו, שהלכה למשה, ש'בין הערבים' בפסח הוא הדרך השני, והוא האמת ואין בו ספק.

Know that "*ben ha'arbayim*" can be [understood] in two ways: the first [possible meaning] is the time from when the sun sets until no more light can be seen in the clouds, a period of an hour and a third; [ ... ] and the second way is that "*ben ha'arbayim*" on Pesah is the time from when the sun starts to go down until it reaches the edge of the west. Those that transmit the law have said that the *halakha* has been transmitted since Moses that "*ben ha'arbayim*" on Pesah is [in accordance with] the second way, and this is the truth, without a doubt.

*xi. Note by Tomer Mangoubi:* Not all the Karaite sages believed in an absolute prohibition on carrying. Ḥakham Levi ben Yefeth (eleventh century) argued that while one should strive to be as prepared as possible before the Sabbath to avoid carrying on the Sabbath, one is permitted to carry items outside of one's house.

Levi ben Yefeth, *Sefer Mizvoth*, p. 248:

וכבר זכרנו באשר נקדם כי אמר 'ולא תוציאו משא מבתיכם' לא יורה על זה, וכי יהיה זה כן יעבור לנשוא מאכל וספרי חמשים והכלים אשר יעשה בהם ב[ש]בת מן חצר אל חצר. [ ... ] והטוב להשתמר בו.

And we have already mentioned above that when Scripture says *Do not carry forth a burden out of your houses* (Jeremiah 17:22), it is not referring to [an absolute prohibition on carrying from domain to domain on the Sabbath], and because this is so, it is permissible to carry food, or copies of the five books [of the Torah], or utensils that are used on the Sabbath from one courtyard to another. [ ... ] but it is best to be careful about this.

(Ḥakham Levi's work was originally written in Judeo-Arabic.

Students of rabbinic literature might understand the word **יעבור** to mean *it is forbidden*; but the word **יעבור** is the translation of the Judeo-Arabic word **יגוז**, which means *it is permissible*. The root of the Arabic word means *to pass*, which is also the root of the Hebrew word **יעבור**. This explains why the word **יעבור** was chosen for the translation.)

Moreover, Ḥakham ‘Anan Ben David held it permissible to carry anything that is not so heavy as to require being carried on one’s shoulders (see *Nemoy, L., Karaite Anthology: Excerpts from the Early Literature*, Yale Judaica Series, 1952, p. 17).

xii. The author of *Levush Malkhuth* is alluding here to a passage in the Babylonian Talmud, Sanhedrin 72a, about the case of “one who comes in stealth” (*ha-ba ba-maḥtereth*, from Exodus 22:1). The claim in *Levush Malkhuth* that rabbinic halakha simply allows a thief to keep the item he stole is not correct when understood in context.

אמר רב: הבא במחתרת ונטל כלים ויצא - פטור. מאי טעמא? בדמים קננהו. אמר רבא: מסתברא מילתיה דרב בששיבר, דליתנהו; אבל נטל - לא. והאלהים, אמר רב אפילו נטל! [ ... ] ולא היא [ ... ].

Rav said: “If one came in stealth [to rob one’s neighbor’s house], and took items, and left – one is exempt [from paying for the items].” Why? For he has acquired it with his blood. Rava said: “It seems that Rav’s words refer only to a case where [the thief] broke [the items], such that they are no longer in existence; but if [the thief] took them along – then [Rav’s words do] not [refer to such a case].” But by God, Rav said even “one took [items]”! [ ... ] Nonetheless, this is not [the actual halakha] [ ... ]

These passages relate to the rabbinic concept of *qim leh bi-derabba minneh* (קים ליה בדרכה מיניה) – if one commits an act that bears both a lenient and a stringent penalty, the stringent penalty is sufficient, and one does not have to incur the lighter penalty.